IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 24404 of 1999

Between:

Tamanath Hussain, S/o. Hassan Ali Khan,
R/o. Flat No.2, Raghavendra Towers,
16-2-740/A/2, Andhra Bank Colony, Malakpet, Hyderabad.

..... PETITIONER

AND

1 The Area Manager (South),
Department of Telecommunications, Room No.415,

Suryalok Complex, Gunfoundry, Hyderabad -500 001.
2 The Accounts Officer (Investigation), South,
Department of Telecommunications, Room No.415,

Suryalok Complex, Gunfoundry, Hyderabad -500 001.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or direction or order more particularly in the nature of writ of Mandamus declaring the action of the second respondent in demanding a sum of Rs.58,080/- to be paid by me for the closed telephone bearing No.4064293, by 21.11.1999 as illegal, arbitrary and against the principles of natural justice and consequently set aside the impugned demand notice, dt.8.11.1999, holding that the petitioner is not liable to pay the said amount as the closed telephone No.4064293 does not belong to the petitioner or standing in the name of the petitioner.

Counsel for the Petitioner:MR.VENKATESWARLU POTHAPRAGADA
Counsel for the Respondent Nos.1 and 2: MR.P.PHALGUNA RAO

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.24404 OF 1999

ORDER:

The petitioner challenges the demand notice dt.8.11.1999 issued by second respondent demanding a sum of Rs.58,080/- (Rupees fifty eight thousand and eighty only) in respect of closed Telephone No.4064293 as illegal and arbitrary. The grievance of the petitioner in a nutshell is that after taking flat No.2 in Raghavendra Towers, Andhra Bank Colony, Malakpet, Hyderabad, he applied for telephone connection duly paying a sum of Rs.3,000/- (Rupees three thousand only) and that he was allotted Telephone No.4161331 on 22.7.1999 and that first bill was issued for a sum of Rs.1,654/- (Rupees one thousand six hundred and fifty four only). He also alleges that he is not at all concerned with Telephone No.4064293 in respect of which impugned demand was made.

The respondents have filed a counter affidavit stating that Telephone No.4064293 was allotted from Telephone Exchange, Saidabad to M/s.Tayyaba's proprietor, Smt.Tayyaba, daughter of Aga Mohammad Ali on 19.10.1995, that Smt.Tayyaba was resident of Flat No.1, House No.16-2-740/A/1, M.M. Apartments, Andhra Bank Colony, Malakpet. The said connection was disconnected on 21.1.1997 for non-payment of telephone bill dues of Rs.50,080/- (Rupees fifty eight thousand and eighty only) and in spite of several registered notices and visits by

Telephone Revenue Inspector, the subscriber did not pay the telephone bills. It is further stated that as per the field information reports, the petitioner's wife is daughter of Smt.Tayyaba, who was residing with petitioner in the same flat, that after closure of Telephone No.4064293, petitioner applied for a new telephone connection which was provided on 26.8.1999 (Telephone No.4161331). As there was no intimation from Smt.Tayyaba, notice was issued to petitioner, who is close relative residing in the same flat.

Learned counsel for the petitioner made only one submission that petitioner is in no way connected with closed Telephone No.4064293 and therefore demanding the amount from the petitioner is illegal and arbitrary.

In the counter affidavit the respondents admit that Telephone No.4064293 was allotted to mother-in-law of the petitioner as she was proprietor of M/s.Tayyaba. The allegation made by the respondents is that the petitioner and his wife, who is none other than daughter of Ms.Tayyaba, are residing in the same flat where Telephone No.4064293 was provided. Therefore, nothing prevented the petitioner to approach the respondents and seek redressal. The petitioner straightaway invoked the jurisdiction of this Court.

Therefore, the Writ Petition is disposed of giving liberty to petitioner to make a representation to first respondent seeking proper redressal in view of the counter averments. The representation may be made within a period of two weeks from the date of receipt of a copy of this order and the same shall be considered by first respondent in accordance with law having regard to the admission made in the counter affidavit that Telephone No.4064293 was not allotted to petitioner or his wife.

The Writ Petition, with the above observations and directions, is dismissed. No costs.

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(V.V.S.RAO, J)

23.9.2004

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To

1 The Area Manager (South),
Department of Telecommunications, Room No.415,

Suryalok Complex, Gunfoundry, Hyderabad -500 001.

2 The Accounts Officer (Investigation), South,
Department of Telecommunications, Room No.415,

Suryalok Complex, Gunfoundry, Hyderabad -500 001

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